



UNITED STATES OF AMERICA

v.

DAVID HART

Defendant(s)

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Case No. 5:24-mj-176 (TWD)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

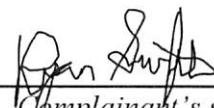
On or about the date(s) of November 6, 2023 and November 11, 2023, in the county of Oneida in the Northern District of New York, and elsewhere, the defendant violated:

Code Section
18 U.S.C. § 875(c)

Offense Description
Transmitting in interstate or foreign commerce any communication containing any threat to injure the person of another

This criminal complaint is based on these facts:
See attached affidavit.

Continued on the attached sheet.

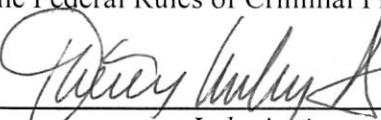

Complainant's signature

Ryan Swift, Special Agent, HSI

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: March 27, 2024


Judge's signature

City and State: Syracuse, NY

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ryan Swift, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I make this affidavit in support of a criminal complaint charging David Hart with violations of Title 18, United States Code, Section 875(c) (threatening communications).
2. I, your affiant is a Special Agent employed by the United States Department of Homeland Security Investigations (HSI), and as such I am an “investigative or law enforcement officer” of the U.S. within the meaning of Section 2510(7) of Title 18, U.S.C, that is, an officer of the U.S. who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, U.S.C., Section 801, et. seq., and Title 18, U.S.C., Section 2516. In June 2021, I was hired by HSI and was accepted to attend Basic Agent Training in Glynco, Georgia. I have been a Special Agent with HSI since June 2021. Prior to that I was a Border Patrol Agent with Customs and Border Protection under the Department of Homeland Security from November 2008 through June 2021. Upon graduation from the HSI Academy, I have been assigned to the HSI Syracuse Resident Office.
3. During my employment with DHS, I participated in numerous successful investigations into illicit drug distribution networks and have interrogated numerous defendants, informants and others who were sellers, distributors, or users of narcotics and other illicit drugs. Also, I have been involved in the monitoring, intercepting, and recording of court-ordered wiretaps, and have participated in numerous search warrants/arrest warrants involving narcotics trafficking. I have arrested numerous individuals for violations of Titles 8, 18, and 21 of the U.S.C. I have interviewed and worked with many confidential and reliable informants, whose reliability

and veracity have been verified through prior law enforcement investigations, and whose assistance has resulted in the controlled purchase of narcotics, controlled substances, and the introduction of undercover police officers to persons who engage in the sale of controlled substances. I have several schools and seminars which concern the enforcement of the laws prohibiting trafficking in narcotics and dangerous drugs, as well as the packaging and concealment of narcotics. Additionally, I have training and experience in fraud and threat related offenses and have consulted with investigators/agents who specialize in fraud related crimes. As a result of my training and experience, I am familiar with the language, conduct and customs of people engaged in conspiracies to violate fraud and threat related offenses. I have personally participated in the investigation of the offenses set forth below. As a result of my participation and review of past and present reports made by other Law Enforcement Officers from foreign law enforcement partners, state and local law enforcement agencies, Special Agents and Task Force Officers of HSI, I am familiar with the facts and circumstances of this investigation.

4. The facts set forth below are based on my personal knowledge of the investigation, discussions with other law enforcement officers, and my review of evidence, including body worn camera recordings, audio recordings from law enforcement and audio recordings provided by the victims. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all my knowledge about this matter.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that David Hart has violated Title 18, United States Code, Section 875(c) (making threatening communications).

FACTS SUPPORTING PROBABLE CAUSE

A. Bomb Threats Called in to Victims in United Kingdom by Subject Phone

6. In November 2023, law enforcement agencies in the United Kingdom made HSI aware of a series of bomb threats made to various establishments in the UK by phone. HSI Syracuse was notified that the threats were called in using the phone number ending in 2667 (the Subject Phone) between November 5, 2023 and November 22, 2023. Recipients of the calls included hospitals, restaurants, and hotels.

7. For example, on or about November 6, 2023, the switchboard for a hospital system located in London, UK received a phone call from the Subject Phone. This call was recorded and is approximately three minutes and fifty seconds in duration. The following is a draft summarized transcription of that phone call:

OPERATOR: Switchboard can I help you?

HART:¹ Hi, can you hear me?

OPERATOR: Yes.

HART: All right, I put a bomb in your guys' corridor bathroom.

OPERATOR: Pardon.

HART: You have exactly about 12 seconds to get out of that building.

OPERATOR: Sorry, where are you calling from?

HART: I'm calling from London.

OPERATOR: And there's a problem where?

HART: In your corridor bathroom.

HART: I'm at one of your pubs. One of your bars.

¹ For the reasons described below in this affidavit, I believe the caller was David HART. Accordingly, this draft transcription attributes the caller's dialogue to HART.

HART: Hello.

OPERATOR: how can I help you?

HART: Yeah, there's a bomb in your guys' bathroom.

HART: Like I said, you got 12 seconds to get out.

OPERATOR: OK, so who's calling?

HART: 11 seconds now.

OPERATOR: Hello. Hello. Who is calling?

HART: My name is Ryan.

OPERATOR: OK. And how are you aware of this?

HART: Because I put it there.

OPERATOR: You put it there. Where he is there?

HART: Huh.

OPERATOR: Where is there? When you say you put it there. Where did you put it?

HART: I put it inside the, like behind the toilet.

OPERATOR: Behind the toilet, which Hospital? Are you at [Hospital A] or [Hospital B]?

...

HART: It's [Hospital A and Hospital B].

OPERATOR: And [Hospital B]. So, you went to both hospitals?

HART: Yeah.

OPERATOR: When did you put it there?

HART: Like, maybe 15 minutes ago.

OPERATOR: five, zero, Fifty?

HART: fifteen, one, five, and then I had someone else put it in the other hospital.

OPERATOR: OK, give me one second, please. Yes, I need a few more details about it. So, you said you put it in when you said the toilet. Which toilet?

HART: I put it in the downstairs but like, why are you asking me all these questions?

...

OPERATOR: I do. I do need to know where exactly it is.

HART: The waiting room bathroom.

...

OPERATOR: So, you went to [Hospital B].

HART: Yeah.

OPERATOR: OK. So, you put them in the toilet, and you said what is on ground floor, lower ground floor, first floor where?

HART: Yeah. Yeah, lower ground floor.

OPERATOR: So lower ground.

...

OPERATOR: Ok, so why are you calling the hospital to say something like that?

HART: Because it's true.

8. On or about November 11, 2023, the West Mercia (UK) Police Operations and Communications Center received another phone call from the Subject Phone. This call was recorded and is approximately seven minutes and fourteen seconds in duration. The following is a draft summarized transcription of portions of the call:

OPERATOR: West Mercia Police, good evening, can I help?

HART: Hi, can you hear me?

OPERATOR: I can hear, you are extremely clear, how can I help?

Hart: Yeah. What would you? What would you guys do if I was to put a bomb in [Hospital B Hospital A] Hospital?

OPERATOR: Which hospital? Sorry.

HART: In [Hospital B Hospital A] hospital.

...

OPERATOR: Where is this hospital? Is this [Hospital B] in London?

HART: Yes.

OPERATOR: Well, I will take details from you, cause you've made it very serious accusation that you intend to. Are you going to have you got a? Are you a targeted organization?

HART: Um, sure.

OPERATOR: You are. Have you got a keyword?

HART: What do you mean?

OPERATOR: If you're making a bomb threat, we have to ask questions. You have office directed. If you're a target organization, you will have a keyword to tell us to prove that you are belonging to your target organization or is this just a prank call.

HART: I don't have a keyword.

OPERATOR: Well, that means you're, this some sort of prank, then, is it, Sir? And I suggest you don't make these make these sort of things.

HART: This is not a prank. And I am not an organization. That is why I said what. I am not an organization.

OPERATOR: Right. OK, then. So, are we taking details for this? What is? What is it? What is he all trying to tell me? What does he want to do?

HART: I mean me, and my friends are going to put a bomb over in [Hospital B Hospital A] Hospital.

OPERATOR: Yeah. Alright, I'll take. Are you. Are you leaving any details at all?

HART: I mean if you want details, I don't really tell people nothing unless they ask.

...

OPERATOR: Are you prepared to give me details of the home address for you or location?

HART: I'm in London.

OPERATOR: You're in London somewhere, ok.

OPERATOR: And just tell me the name of the hospital that you intend, that your colleagues and you intend to proliferate a bomb.

HART: [Hospital B].

OPERATOR: [Hospital B]. And you say you don't represent any organization at all.

HART: No.

OPERATOR: when do you intend to plan this device? or is it already implanted?

HART: I plan to do it in a few minutes. Just eating some dinner.

OPERATOR: Where are you in [Hospital B] at the moment?

HART: No, I am eating dinner at my house.

...

OPERATOR: Any idea? Are you prepared to give us a rough location or not? For where you're going to plant the bomb?

HART: In the hospital.

OPERATOR: Yeah, but any particular floor or department?

HART: Going to be the main floor. Call it the main floor, top floor, third floor as well.

OPERATOR: So, you have more than one device then?

HART: Yeah, well, I got a lot, but probably going to do like 2-3 floors.

...

OPERATOR: And just confirm they got the hospital again. You said [Hospital B] in London. Yeah?

HART: Yes.

...

OPERATOR: Where are you at? At the moment and what can you give me an area where you are?

HART: I am at Reed School.

9. On or about November 11, 2023, the West Mercia (UK) Police Operations and Communications Center received another phone call from the Subject Phone, as a follow-up to the previous call. This call was recorded and is approximately twenty-one minutes in duration. The following is a draft summarized transcription of portions of the call:

OPERATOR: West Mercia Police, how can I help?

HART: I got disconnected from the call.

OPERATOR: Ok.

HART: I was talking to someone about bombing.

OPERATOR: About what?

HART: About a bombing.

...

HART: I am in London

OPERATOR: OK. Where about in London?

HART: Do you know where [Hospital B] is?

OPERATOR: You are right there now?

HART: Yeah

OPERATOR: And what do you plan on doing exactly?

HART: Putting a couple bombs in there.

...

OPERATOR: OK, are you alone?

HART: No, I got a couple of my friends with me.

OPERATOR: Ok, and what are their names?

HART: I am not going to give their names out.

OPERATOR: Why not? Why are you willing to give your name and you're not going to give your friend's name if you're going to commit such a heinous crime?

HART: Because my friends are just helping me deliver this stuff, they got nothing to do with it. They're just delivering it for me. Helping me out.

OPERATOR: Right, and why did you get all these things?

HART: I made them.

...

OPERATOR: Yes, if you've made them, what are the components?

HART: Well, I'm not going to give the name of the components, but I'm just going to tell you what they are. They're just the claymore, a proximity mine, pretty much.

OPERATOR: Claymore, you said.

HART: Yeah. And they're pretty much to where if anyone walks by it and sets off the little, the little bomb or like the little the laser, it'll set off the bomb and go boom.

OPERATOR: How long have you been planning this?

HART: For a few weeks, months.

...

OPERATOR: What exactly do you have on you itemized? Do you have any other weapons?

HART: Uh yeah, I got a Glock 19 on my side, I have a couple of knives on my side.

...

HART: I also have a, it's an old military M19 pistol, with a couple of M31 grenades.

...

HART: I'm looking at places on my map and that just gives me a lot of places to go and blow up.

OPERATOR: Right, what places are those?

HART: Well, you know, schools, the flat iron, flat iron square stage. Rose and Crown.

...

HART: You have heard of 9/11, right?

OPERATOR: Yep.

HART: Yeah, I love the people that did it.

OPERATOR: The people that did what?

HART: I love the people who did 9/11.

HART: I love their work.

HART: I wish I was on that plane with them so I could work with them.

...

HART: Some of these bombs are remote detonated, so I'm going to go to [Hospital B] and then I'm going to go to the old schoolyard and then I'm going to go to probably to Eiffel Tower and blow up that one.

OPERATOR: Right, you won't get out of the country if anything you're saying is true, which I highly doubt.

HART: Like I just said it's remote activated. And they're altogether high frequency, so it doesn't matter how far I am. I can still set it off so I could easily plant these and don't plant them and then easily leave the fucking country. And bam, you would never know.

B. Identification of David HART as the Caller who Made the Threats

10. Law enforcement identified two accounts belonging to David HART with the Subject Phone as the account's registered phone number:

a. According to records provided by Company A, the Company A account holder associated with an account with registered phone number of the Subject Phone was identified as David HART. The Company A subscriber details listed the name David HART with a date of birth and social security number.

b. According to records provided from Company B, the Company B accountholder associated with the registered phone number the Subject Phone was David HART. The Company B account details list the accountholder's name as David HART with a date of birth and social security number. These identifiers match the date of birth and social security number associated with the Company A account. The Company B Account subscriber information also included Know Your Customer documents, which included a photo identification card for David HART issued by the Oneida County New York Sheriff's Department.

11. Law enforcement record checks for the date of birth and social security number showed that David HART had previous encounters with law enforcement where those identifiers were provided. In some of those encounters, law enforcement took a booking photo of HART.

12. Toll records for the Subject Phone show that between October 25, 2023, and November 21, 2023, the number placed approximately 95 calls to 29 different establishments in the UK. Additionally, there were approximately 21 calls to 16 different establishments in Australia and two calls to two establishments in France. Toll records obtained also show calls and call durations that correspond to the recorded calls that are detailed above.

13. The toll records also show that close to the times of outgoing calls to the UK recipients, the phone number had ingoing and/or outgoing calls to/from individuals known to be associates of HART. For example, on or about November 11, 2023, toll records show a series of 7 outgoing calls to destinations in the UK, including the West Mercia police service. According to the toll records, the phone placed an outgoing call to the West Mercia police at 18:37:36, which lasted 10 minutes 26 seconds, which results in an ending time of approximately 18:48:02. At 18:46:18, the phone received an incoming call from Female A, which lasted 2 minutes 48 seconds. At 18:50:04, the phone call placed another outgoing call to the West Mercia police.

14. I know that Female A is a partner of HART in part because on or about March 21, 2023, David HART was encountered by New York State Police during the investigation of a domestic incident, and his conversation with the NYSP trooper was recorded by the trooper's body-worn camera. He identified himself to the trooper during the interaction. While talking with the trooper, HART is also communicating with an individual on speakerphone using a cellular phone. That individual identified herself as Female A.

15. Based on my listening to the voices on the BWC recording and the recordings of the threatening calls placed to the UK, I believe that David HART was the caller who made the threats described above.

C. HART Acknowledges the Calls

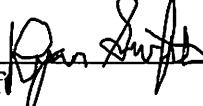
16. On March 27, 2024, law enforcement interviewed HART after advising him of his *Miranda* rights. The interview was recorded. During the interview, law enforcement played the audio recordings of the calls transcribed above (see ¶¶ 7-9). HART stated in sum and substance that while he did not have a specific memory of making those calls, he recognized his voice as the caller heard in the recordings, and that he must have made them. HART further stated that he makes what he described as prank calls.

CONCLUSION

17. Based on the foregoing, I respectfully submit that there is probable cause to believe that David HART has violated Title 18, United States Code, Section 875(c) (threatening interstate communications) and respectfully request that the Court authorize the filing of the accompanying

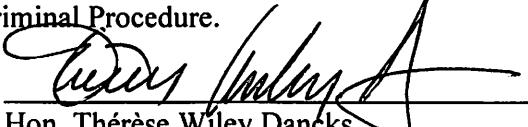
complaint so that HART may be brought to court for further proceedings in accordance with law.

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF
RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.



Ryan Swift
Special Agent
Homeland Security Investigations

I, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on March 27, 2024, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Thérèse Wiley Dancks
United States Magistrate Judge